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Paper No. 7

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OFFICE OF PETITIONS

In re Application of :
Janesick :
Application No. 10/035,405 : DECISION DISMISSING
Filed: November 8, 2001 : PETITION UNDER 37 CFR
Atty. Dkt. No.: 50047050-0003 : 1.47(b)
For: MULTI-MODE IMAGER WITH PINNED :
PHOTO REGION PHOTORECEPTORS :

This decision is in response to the petition under 37 CFR
1.47(b), filed July 8, 2002.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of
this decision to reply, correcting the below-noted deficiencies.
Any reply should be entitled "Request for Reconsideration of
Petition Under 37 CFR 1.47(b)," and should only address the
deficiencies noted below, except that the reply may include an
oath or declaration executed by the non-signing inventor. Failure
to respond will result in abandonment of the application. Any
extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed November 8, 2001
without an executed oath or declaration and naming James Janesick
as sole inventor. Accordingly, on February 6, 2002, a "Notice to
File Missing Parts of Nonprovisional Application" was mailed,
requiring an executed oath or declaration and surcharge.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof
that the non-signing inventor cannot be reached or refuses to
sign the oath or declaration after having been presented with the
application papers (specification, claims and drawings); (2) an
acceptable oath or declaration in compliance with 35 U.S.C. §§
115 and 116; (3) the petition fee; (4) a statement of the last
known address of the non-signing inventor; (5) proof of
proprietary interest; and (6) a showing that such action is
required to preserve the rights of the parties or to prevent
irreparable damages.

The instant petition lacks requirements (4) and (6) above.

As to item (4), the instant petition fails to set forth the last
known address of the non-signing inventor.

As to item (6), the instant petition fails to provide any
indication that status under Rule 47 is necessary to preserve the
rights of any particular party or to prevent irreparable damages
to any particular party.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn.: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.



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for Patent Examination Policy